

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, :  
                               : CIVIL ACTION  
Plaintiff,                 :  
v.                         : NO.  
                               :  
\$50,546.00 IN UNITED STATES :  
CURRENCY,                 :  
                               :  
Defendant.                 :

COMPLAINT FOR FORFEITURE

COMES NOW the United States of America the Plaintiff in this matter, and shows the Court the following in support of this Complaint for Forfeiture:

1.

This Court has jurisdiction and venue over the claim by virtue of 28 U.S.C. §§ 1345, 1355, and 1395.

2.

On or about August 17, 2010, at approximately 9:56 PM, Police Officer W.C. Freeman of the Forest Park Police Department seized \$50,546.00 in United States currency (the "Defendant Currency") from a vehicle driven by Lemarcus Allison during a traffic stop in the 4800 block of Georgia Highway 42 in Forest Park, Clayton County, Georgia, a place within the jurisdiction and venue of this court. The Defendant Currency remains in the Northern District of Georgia.

3.

While patrolling in the 4800 block of Georgia Highway 42 (more commonly known as Moreland Avenue), Forest Park Police Officer W.C. Freeman observed a silver Chevrolet Impala in the southbound lanes with very dark tinted windows.

4.

Officer Freeman initiated a traffic stop of the Impala because the window tint appeared darker than legally allowed. Freeman approached the driver, Lemarcus Allison, and explained to Allison why he had stopped him.

5.

While talking to Allison, Officer Freeman used a tint meter to test the front and rear passenger side windows. Both windows registered 22 percent, meaning the tint only allowed 22 percent of light to pass through it. A measurement below 29 percent is a violation of O.C.G.A. 40-8.73.1

6.

Officer Freeman noticed the odor of a scent-masking agent emanating from the passenger compartment of Allison's vehicle. Officer Freeman told Allison that he smelled the masking agent and explained that based on his training and experience, masking agents were commonly used to cover up the scent of controlled substances.

7.

Allison denied having anything illegal in his vehicle and consented to Officer Freeman searching his vehicle.

8.

While searching the vehicle, Officer Freeman found a large, leafy green marijuana bud near the center console.

9.

Officer Freeman placed Allison into custody for posession of marijuana. Incident to the arrest, Freeman searched Allison's pants pockets and located a large sum of U.S. currency.

10.

Officer Freeman continued to search the trunk area of the vehicle, where he located a pair of jeans, the pockets of which contained another large sum of U.S. currency.

11.

Officer Freeman found a small amount of residual marijuana on the floor of the trunk. He also found a black garbage bag, tied closed with a knot, inside of which was a white bag also closed with a knot. Inside the white bag, Officer Freeman located a significant sum of U.S. currency, separated into bundles that were held together with rubber bands.

12.

Finally, while giving the passenger compartment a second look, Officer Freeman, with the assistance of Sergeant Armstrong, noticed a lump under the carpet on the front passenger side floor. Under the carpet, Freeman located a FN 5.7x28 caliber pistol and three ammunition clips.

13.

Allison was placed under arrest and charged with possession of marijuana, posession of a firearm duing the commission of a crime and a window tint violation.

14.

Officer Freeman transported the money seized from Allison and his vehicle to the Forest Park Police Department.

15.

The U.S. currency in the trash bag in the trunk of Allison's vehicle had been separated into bundles of \$1,000, each bundle secured by rubberbands. Said currency totaled \$42,500 and comprised a portion of the Defendant Currency.

16.

\$3,382 was found in the jeans found in the trunk and \$4,664 was found in Allison's pants at the time he was placed into custody. Altogether, police recovered \$50,546.00, the Defendant Currency.

17.

The Defendant Currency was composed of 2,697 individual bills of all denominations. Of those 2,697 bills, 1,933, or 71 percent of the bills, were \$20 bills.

18.

The proceeds of narcotics transactions often include a disproportionately high number of \$20 bills. In addition, currency packaged for use in a narcotics transaction is often bound into \$1,000 bundles in the manner described above.

19.

The suspected marijuana located near the vehicle's center console and in the trunk was later tested and confirmed to be marijauna.

20.

Allison had been arrested at least eight times prior to his arrest on August 17, 2010. He has been charged with possession of a firearm during the commission of a felony, multiple counts of criminal posession of a marijuana, possesion or sale of marijuana within 1,000 feet of a school and terroristic threats. Dispositions have not been reported for most of these arrests, however he was convicted of carrying a concealed weapon in May 1997.

21.

Based on the facts set forth above, the Defendant Currency is subject to forfeiture pursuant to 21 U.S.C. § 881 (a) (6) as money or things of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of Title 21, Subchapter I of the United States Code, or proceeds traceable to such an exchange, or money used to facilitate any drug violation or intended to be used to facilitate any drug violation.

WHEREFORE, Plaintiff prays:

- (1) that the Court forfeit the Defendant Currency to the United States of America;
- (2) that the Court award Plaintiff the costs of this action; and
- (3) that Plaintiff have such other and further relief as the Court deems just and proper under the facts and circumstances of this case.

This 25<sup>th</sup> day of January, 2011.

Respectfully submitted,

SALLY QUILLIAN YATES  
UNITED STATES ATTORNEY

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: :  
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VERIFICATION OF COMPLAINT FOR FORFEITURE

I, Special Agent Thomas Cadwallader with Immigration and Customs Enforcement, have read the Complaint for Forfeiture in this action and state that its contents are true and correct to the best of my knowledge and belief.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

This 25 day of January, 2011.

  
\_\_\_\_\_  
THOMAS CADWALLADER  
SPECIAL AGENT  
IMMIGRATION AND CUSTOMS ENFORCEMENT